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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BATISTA, MARCOS	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/812,700	ASOKAN, RAM	
	Examiner	Art Unit	
	MARCOS BATISTA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-6,8,9,27,29,31,33,34 and 36-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-6, 8, 9, 27, 29, 31, 33, 34, 36-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on 10/21/2009. Claims 2-6, 8, 9, 27, 29, 31, 33, 34, 36-40 are still pending in the present application. This Action is made **Non-FINAL.**

Response to Argument

2. Applicant's arguments with respect to claims 2, 27, 29, 36 and 40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 2-5, 8, 9, 27, 29 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koskinen et al. (EP 1096813 A2), hereafter “Koskinen,” in view of Nasielski et al. (US 20050041640 A1), hereafter “Nasielski.”

Consider claim 2, Koskinen discloses a wireless terminal participating in a packet-switched communication session to provide notice of receipt of an incoming circuit-switched call, the method comprising: (**see fig. 1a, col. 7 lines 28-32 and 56-58, col. 8 lines 1-13**): receiving a paging request associated with the incoming circuit-switched call (**see col. 7 lines 32-56**); and notifying a server that establishes and runs the packet-switched communications session that the wireless terminal has received the incoming circuit switched call (**see col. 7 line 58, col. 8 lines 1-13**).

Koskinen, however, does not particular refer to wherein notifying the server that establishes and runs the packet-switched communications session with at the wireless terminal has received the incoming circuit switched call comprises forwarding a notification message from the wireless terminal to the server over a circuit-switched channel.

Nasielski, in the same field of endeavor, teaches transmitting a notification message from the wireless terminal to the server over a circuit-switched channel (**see pars. 0057 lines 1-6, 0066 lines 1-6** - Nasielski discloses a mobile terminal transmitting a reply via an SMS message to the network indicating whether the mobile station accepts or rejects an incoming call).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen and have it include transmitting a notification message from the wireless terminal to the server over a circuit-switched channel, as taught by Nasielski. The motivation would have been in order to facilitate

the transmission of a message over a communication network that is widely preferable by network operators (**see pars. 0057 lines 1-6, 0066 lines 1-6**).

Consider claim 3, Koskinen as modified by Nasielski discloses the invention of claim 2 above. Koskinen also discloses wherein the incoming circuit-switched call comprises a circuit-switched call transmitted over a GSM network (see col. 1 lines 37-42, col. 6 lines 22-29). Nasielski also teaches wherein the circuit-switched channel is the SMS data bearer (see pars. 0057 lines 1-6, 0066 lines 1-6). The motivation would have been in order to facilitate the transmission of a message over a communication network that is widely preferable by network operators (see pars. 0057 lines 1-6, 0066 lines 1-6).

Consider claim 4, Koskinen as modified by Nasielski discloses the invention of claim 3 above. Nasielski also teaches wherein the notification message comprises a text message (see pars. 0057 lines 1-6, 0066 lines 1-6). The motivation would have been in order to facilitate the transmission of a message over a communication network that is widely preferable by network operators (see pars. 0057 lines 1-6, 0066 lines 1-6).

Consider claim 5, Koskinen as modified by Nasielski discloses the invention of claim 3 above. Koskinen also discloses wherein the notification message is forwarded via an IP level connection over the SMS data bearer (see col. 1 lines 37-42).

Consider claim 8, Koskinen as modified by Nasielski discloses the invention of claim 2 above. Koskinen also discloses notifying the server that establishes and runs the packet-switched communications session upon termination of the incoming circuit-switched call (see col. 9 lines 41-47).

Consider claim 9, Koskinen as modified by Nasielski discloses the invention of claim 8 above. Nasielski also teaches wherein the notification forwarded upon termination of the incoming circuit-switched call is forwarded over a circuit-switched channel (see pars. 0057 lines 1-6, 0066 lines 1-6). The motivation would have been in order to facilitate the transmission of a message over a communication network that is widely preferable by network operators (see pars. 0057 lines 1-6, 0066 lines 1-6).

Consider claim 27, Koskinen discloses a wireless communication terminal comprising: a transceiver; a packet-switched suspension notification circuit coupled to the transceiver that is configured to generate a notification message for transmission to a server controlling a packet-switched communications session when the wireless temporarily suspends participation ill the packet-switched communications session (**see col. 7 line 58, col. 8 lines 1-13, col. 1 lines 37-42**); and a circuit-switched communications circuit, wherein the packet-switched suspension notification circuit generates the notification message in response to receipt of a circuit-switched page by the circuit-switched communications circuit (**see fig. 2a, col. 7 lines 56-58, col. 8 lines 1-13**).

Koskinen, however, does not particular refer to a notification message that is suitable for transmission as a text message over a circuit switched SMS data bearer.

Nasielski, in the same field of endeavor, teaches a notification message that is suitable for transmission as a text message over a circuit switched SMS data bearer (**see pars. 0057 lines 1-6, 0066 lines 1-6** - Nasielski discloses a mobile terminal transmitting a reply via an SMS message to the network indicating whether the mobile station accepts or rejects an incoming call).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen and have it include a notification message that is suitable for transmission as a text message over a circuit switched SMS data bearer, as taught by Nasielski. The motivation would have been in order to facilitate the transmission of a message over a communication network that is widely preferable by network operators (**see pars. 0057 lines 1-6, 0066 lines 1-6**).

Consider claim 29, this claim discusses the same subject matter as claim 27. Therefore, it has been analyzed and rejected based upon the rejection to claim 27.

Consider claim 36, Koskinen discloses a wireless terminal participating in a packet-switched communications session to provide notice of receipt of an incoming circuit-switched call, the method comprising (**see fig. 1a, col. 7 lines 28-32 and 56-58, col. 8 lines 1-13**): receiving a paging request associated with the incoming circuit-switched call (**see col. 7 lines 32-56**); notifying a server that establishes and runs the

packet-switched communications session that the wireless terminal has received the incoming circuit-switched call (**see col. 1 lines 37-42, col. 7 line 58, col. 8 lines 1-13**); wherein the incoming circuit-switched call comprises a circuit-switched call transmitted over a GSM network (**see col. 1 lines 37-42, col. 6 lines 22-29**); forwarding a second notification message from the wireless terminal to the server that establishes and runs the packet-switched communications session upon termination of the circuit-switched call (**see col. 9 lines 41-47**)

Koskinen, however, does not particular refer to wherein notifying the server that that establishes and runs the packet-switch communications session that the wireless terminal has received that incoming circuit-switched call comprises forwarding a first message from the wireless terminal to the server over the circuit-switched SMS data bearer channel and notifying a server is performed over a circuit switched SMS data bearer channel; forwarding a second notification message from the wireless terminal to the server that establishes and runs the packet-switched communications session via a text message

Koskinen, in the same field of endeavor, teaches notifying a server is performed over a circuit switched SMS data bearer channel; forwarding a notification message from the wireless terminal to the server via a text message (**see pars. 0057 lines 1-6, 0066 lines 1-6**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen and have it include notifying a server is performed over a circuit switched SMS data bearer channel; forwarding a notification message from the wireless terminal to the server via a text message, as taught by Koskinen. The motivation would have been in order to facilitate the transmission of a message over a communication network that is widely preferable by network operators (**see pars. 0057 lines 1-6, 0066 lines 1-6**).

6. Claims 6, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koskinen et al. (EP 1096813 A2), hereafter "Koskinen," in view of Nasielski et al. (US 20050041640 A1), hereafter "Nasielski," further in view of Sagiya et al. (US 20040051900 A1), hereafter "Sagiya."

Consider claim 6, Koskinen as modified by Nasielski discloses the invention as in claim 2 above. Koskinen, however, does not particular refer to wherein the notification message includes an identification associated with the wireless terminal and an estimate of the duration of the incoming circuit-switched call.

Sagiya, in analogous art, teaches a notification message that includes an identification associated with a wireless terminal and an estimate of the duration of the incoming circuit-switched call (see figs. 2 and 3, pars. 0054 line 1 - 0054 line 4 - where Sagiya teaches predicting the during of a call and suggesting a retry-time when the call would have been terminated).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen as modified by Nasielski and have it include a notification message that includes an identification associated with a wireless terminal and an estimate of the duration of the incoming circuit-switched call, as taught by Sagiya. The motivation would have been in order to estimate when a call can be successfully established (see figs. 2 and 3, pars. 0054 line 1 - 0054 line 4).

Consider claim 39, this claim discusses the same subject matter as claim 6. Therefore, it has been analyzed and rejected based upon the rejection to claim 6.

Consider claim 40, this claim discusses the same subject matter as claim 36. Therefore, it has been analyzed and rejected based upon the rejection to claim 36. However, Koskinen as modified by Nasielski does not particular refer to a notification message that includes an identification associated with a wireless terminal and an estimate of the duration of the incoming circuit-switched call.

Sagiya, in analogous art, teaches a notification message that includes an identification associated with a wireless terminal and an estimate of the duration of the incoming circuit-switched call (**see figs. 2 and 3, pars. 0054 line 1 - 0054 line 4** - where Sagiya teaches predicting the during of a call and suggesting a retry-time when the call would have been terminated).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen as modified by Nasielski and

have it include a notification message that includes an identification associated with a wireless terminal and an estimate of the duration of the incoming circuit-switched call, as taught by Sagiya. The motivation would have been in order to estimate when a call can be successfully established (**see figs. 2 and 3, pars. 0054 line 1 - 0054 line 4**).

7. Claims 31, 32, 34, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koskinen et al. (EP 1096813 A2), hereafter "Koskinen," in view of Nasielski et al. (US 20050041640 A1), hereafter "Nasielski," further in view of Levy et al. (US 20040142694 A1), hereafter "Levy."

Consider claim 31, Koskinen as modified by Nasielski discloses the invention as in claims 2 and 36 above.

Koskinen, however, does not particular refer to wherein the packet-switched communication session comprises a push-to-talk session.

Levy, in analogous art, teaches a packet-switched communication session comprises a push-to-talk session (see pars. 0002 lines 1-5, 0011 lines 8-17, 0012 lines 1-2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen as modified by Nasielski and have it include a packet-switched communication session comprises a push-to-talk session, as taught by Levy. The motivation would have been in order to inform users engaged in a communication session about a service interruption so that they can properly re-establish the session (see par. 0003 lines 9-21).

Consider claim 32, Koskinen as modified by Nasielski and Levy discloses the invention as in claim 31 above. Koskinen also discloses wherein notifying the server associated with the packet-switched communication session that the wireless terminal has received the incoming circuit-switched call includes notifying the server that wireless terminal has suspended the push-to-talk session (see col. 7 lines 56-58, col. 8 lines 1-13).

Consider claim 34, Koskinen as modified by Nasielski and Levy discloses the invention as in claim 32 above. Koskinen also discloses wherein the circuit-switched channel is the SMS data bearer (see col. 1 lines 37-42, col. 6 lines 22-29).

Consider claim 37, Koskinen as modified by Nasielski discloses the invention as in claim 36 above. Koskinen also discloses resuming the push-to-talk session under the existing Packet Data Protocol context after termination of the circuit-switched call (see col. 8 lines 3-7).

Koskinen, however, does not particular refer to wherein the packet-switched communications session comprises a push-to-talk session, wherein the server associated with the packet-switched communications maintains a Packet Data Protocol context associated with the push-to-talk session throughout the duration of the circuit switched call.

Levy, in analogous art, teaches wherein the packet-switched communications session comprises a push-to-talk session, wherein the server associated with the packet-switched communications maintains a Packet Data Protocol context associated with the push-to-talk session throughout the duration of the circuit switched call (see pars. 0019 lines 1-14).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen as modified by Nasielski and have it include wherein the packet-switched communications session comprises a push-to-talk session, wherein the server associated with the packet-switched communications maintains a Packet Data Protocol context associated with the push-to-talk session throughout the duration of the circuit switched call, as taught by Levy. The motivation would have been in order to inform users engaged in a communication session about a service interruption so that they can properly re-establish the session (see par. 0003 lines 9-21).

Consider claim 38, Koskinen as modified by Nasielski and Levy discloses the invention as in claim 37 above. Levy also teaches notifying a remote wireless terminal that is part of the push-to-talk session that the wireless terminal has temporarily suspended participation in the push-to-talk session (see par. 0012 lines 17-22). The motivation would have been in order to inform users engaged in a communication session about a service interruption so that they can properly re-establish the session (see par. 0003 lines 9-21).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Marcos Batista/
Examiner

12/26/2009

/KAMRAN AFSHAR/
Primary Examiner, Art Unit 2617